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DATE: July 17, 2008

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TO: Examiner Pedro Philogene, Group Art Unit 3733
COMPANY: U.S. Patent and Trademark Office

FAX NUMBER: 571-273-8300
PHONE NUMBER:

FROM: Douglas A. Collier

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RE: Response to Restriction Requirement for U.S. Patent Application No. 10/752,358 to Charles L. Branch

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/792,358

Filing Date March 3, 2004

First Named Inventor Charles L. Branch et al.

Art Unit 3733

Examiner Name Pedro Phzogene

Attorney Docket Number MSDI-90/PC689.02

ENCLOSURES (Check all that apply)☐ Fee Transmittal Form☐ Fee Attached☒ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/
Incomplete Application☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application
Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s)☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board
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(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Krieg Devault LLP

Signature

Douglas A. Collier

Printed name

Douglas A. Collier

Date

July 17, 2008

Reg. No.

43,556

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Douglas A. Collier

Date

July 17, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--------------------------------|---|---------------------|
| In re U.S. Patent Application: |) | Before the Examiner |
| |) | Pedro Philogene |
| Charles L Branch, et al. |) | |
| |) | Group Art Unit: |
| Serial No. 10/792,358 |) | 3733 |
| |) | |
| Filed: March 3, 2004 |) | Atty Docket No.: |
| |) | MSDI-90/PC689.02 |
| |) | |
| INSTRUMENTS AND METHODS FOR |) | |
| MINIMALLY INVASIVE TISSUE |) | July 17, 2008 |
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RESPONSE TO RESTRICTION REQUIREMENT

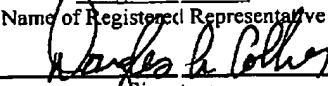
Commissioner for Patents
P.O. Box 1450
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Sir:

In response to the Restriction Requirement mailed June 19, 2008, please consider the following. No fees or extensions or time are believed due for consideration of the enclosed. However, please provide any extensions of time which may be necessary and charge any fees due to Deposit Account 12-2424, but not including the payment of issue fees.

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July 17, 2008
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Response to Restriction Requirement
Ser. No. 10/792,358
Atty Docket No. MSDI-90/PC689.02
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